



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
GINA PROCTOR, RN	:	FINAL ORDER
License # 26NR16087100	:	OF DISCIPLINE
	:	
	:	
	:	
TO PRACTICE NURSING IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Gina Proctor ("Respondent") is a Registered Professional Nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. On or about April 8, 2014, Respondent completed and submitted an online biennial renewal for the period of June 1, 2014 to May 31, 2016.

3. Respondent was asked on the biennial renewal application whether Respondent would have "completed the

required continuing education credits by May 31, 2014," referring to the biennial renewal period of June 1, 2012 to May 31, 2014. Respondent answered "Yes" and certified that answer by submitting the online application.

4. On May 7, 2014 the Board received a flagging notice indicating that Respondent was arrested on May 6, 2014 by the Evesham Township Police Department for violation of N.J.S.A. 2C:12-1A(1) (Simple Assault). The Board sent a letter of inquiry requesting certain information and documents regarding the criminal matter, Respondent's nursing practice, and continuing education to Respondent's address of record in Marlton, New Jersey, via regular and certified mail on or about May 24, 2014. The regular mailing was not returned. The United States Postal Service track and confirm system indicates that the certified mailing was delivered in Marlton on May 30, 2014.

5. On June 22, 2014, Respondent's attorney faxed a letter to the Board indicating the Municipal Court for the Township of Evesham had dismissed the charges. Respondent's submission did not include any of the additional information requested by the Board.

6. To date, Respondent has not responded to the Board's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant to N.J.S.A. 45:1-21(e) and also subjects Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Pursuant to N.J.A.C. 13:37-5.3(b), nurses are required to complete a minimum of thirty (30) hours of continuing education during the preceding biennial period in order to renew their licenses. Pursuant to N.J.A.C. 13:37-5.3(f), nurses are required to maintain documentation of completion of continuing education for a period of four years after completion, and shall submit such documentation to the Board upon request.

By virtue of having failed to respond to the letter of inquiry, Respondent is deemed to have failed to demonstrate, to the satisfaction of the Board, that Respondent completed the continuing education credits required for renewal during the biennial period of June 1, 2012 to May 31, 2014. The Board therefore finds Respondent in violation of N.J.A.C. 13:37-5.3(b) and 13:37-5.3(f), which in turn subjects Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's use of dishonesty and misrepresentation during the license renewal process in falsifying her continuing education information constitutes a violation of N.J.S.A. 45:1-21(b), subjecting Respondent to sanctions.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on January 20, 2015, provisionally suspending respondent's nursing license, and imposing a reprimand and a total of \$750 in civil penalties. A copy of the Order was served upon the respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order. She provided the remaining information requested in the Board's original letter of inquiry. She also provided documentation of completion of a total of 63 contact hours of nursing continuing education,

belatedly satisfying the requirements of N.J.A.C. 13:37-5.3 for the 2012-2014 licensing cycle, and satisfying the requirements for the 2014-2016 licensing cycle as well (with a carryover of three contact hours of continuing education for the 2016-2018 licensing cycle). The Board thus finds that suspension is no longer applicable. However, the Board finds that the \$500 civil penalty for failure to fully respond to the Board's initial inquiry is warranted, as the Board should not have to issue an order to obtain information from its licensees. Moreover, in filling out the 2014 renewal application, the question about continuing education should have triggered an inquiry on respondent's part as to what her obligation consisted of. It is insufficient to assume that one is in compliance, rather than checking to make certain that one is in compliance. Accordingly, the Board finds that the reprimand for misrepresentation on the renewal application, and the \$250 civil penalty for failure to timely complete continuing education requirements for the 2012-2014 licensing cycle are appropriate here.

ACCORDINGLY, IT IS on this 30th day of March, 2015,

ORDERED that:

1. A reprimand is imposed on Respondent for falsifying the continuing education information on her license renewal application.

2. Respondent is assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of five hundred dollars (\$500) for failure to cooperate with a Board investigation and a penalty in the amount of two hundred and fifty dollars (\$250) for failing to timely complete required continuing education. Payment shall be made by money order, bank cashier check or certified check, made payable to the State of New Jersey or by wire transfer, direct deposit or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making payment. Payment shall be due no later than fifteen (15) days after the filing of this order. In the event respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By:

 PLD APN

Patricia Murphy, PhD, APN
President